

ORDINANCE NO. 92- 24

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PROVIDING FOR INCREASED SERVICE CHARGES FOR INSTITUTING A CIVIL ACTION IN THE CIRCUIT AND COUNTY COURTS PURSUANT TO SECTIONS 28.241, 28.2401, 34.041, AND 44.108, FLORIDA STATUTES AND SECTION 3 OF CHAPTER 24775, LAWS OF FLORIDA; PROVIDING FOR EXPENDITURE OF FUNDS; PROVIDING FOR MEDIATION-ARBITRATION FEES, LAW LIBRARY FEES, AND LEGAL AID FEES; PROVIDING FOR REPEAL OF PROVISIONS OF ORDINANCE NOS. 76-13, 80-7, 82-18, 83-20, 88-22, 89-20, 90-50 AND 91-21 IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Sections 28.241(1), 28.2401(3), and 34.041(1), Florida Statutes, authorize the County to enact ordinances to provide for service charges in excess of those fixed therein for the provision and maintenance of facilities for the use of the circuit and county courts; and

WHEREAS, the Board of County Commissioners has determined that it is necessary to increase service charges of parties instituting a civil action; and

WHEREAS, the Board of County Commissioners declares it to be in the best interest of the public to increase the service charges imposed pursuant to Sections 28.241, 28.2401, and 34.041, Florida Statutes; and

WHEREAS, various Florida Statutes and Special Acts authorize the Board of County Commissioners to establish and/or increase service charges for the benefit of the law library, court facilities, mediation programs, and legal aid; and

WHEREAS, the Board of County Commissioners has enacted separate ordinances establishing and/or increasing said charges; and

WHEREAS, the Board desires to repeal those ordinances and reestablish the various service charges herein to have all fees and charges set forth in one document.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1. ADDITIONAL FEES FOR CIVIL ACTIONS IN THE CIRCUIT COURT AND COUNTY COURT IN AND FOR PALM BEACH COUNTY, FLORIDA

A. FEES IN ADDITION TO SECTION 28.241, FLORIDA STATUTES.

A party instituting any civil action, suit or proceeding in the circuit court of the Fifteenth Judicial Circuit of Florida in and for Palm Beach County shall pay to the Clerk of said court the maximum service charge (hereinafter referred to as "Court Facility Fee"), allowed under Section 28.241, Florida Statutes, in addition to the service charges payable to the clerk of said court pursuant to Chapter 28, Florida Statutes. In no event shall the total filing fee to be paid by the party exceed the maximum allowed in Section 28.241(1), Florida Statutes.

B. FEES IN ADDITION TO SECTION 28.2401, FLORIDA STATUTES.

A party instituting any estate, administration, guardianship, action, suit or proceeding in the probate department in the circuit court of the Fifteenth Judicial Circuit of Florida in and for Palm Beach County shall pay to the Clerk of said court the service charge (hereinafter referred to as "Court Facility Fee") allowed under Section 28.2401, Florida Statutes, in addition to any other service charges payable to the Clerk of said court pursuant to Chapter 28, Florida Statutes, as follows:

- 1) Formal Administration, Guardianship, Ancillary Curatorship or Conservatorship and proceedings..... \$95.00
- 2) Family Administration..... 60.00
- 3) Summary Administration..... 50.00
- 4) Disposition of Personal Property Without Administration..... 30.00
- 5) Petition and Order to Admit Foreign Will, Authenticated Copies, Exemplified Copies, or Transcript of Record..... 47.50
- 6) For the Opening of any estate of one document or more, including, but not limited to, petitions and orders to approve settlement of minor's claims; to open a safe deposit box; to enter rooms and places; for the determination of heirs, if not formal administration; and for a foreign guardian to manage property of a non-resident; but not to include issuance

1	of letters or order of summary and family	
2	administration.....	27.50
3	7) Guardianship Proceedings of Persons.....	145.00
4	8) Veterans Administration Guardianship	
5	Pursuant to Chapter 744, Florida Statutes...	35.00
6	9) Petitions for Determination of Incapacity...	35.00
7	10) Caveats.....	32.50

8 In no event shall the total filing fee to be paid by the party
9 exceed the maximum allowed by Section 28.2401(3), Florida
10 Statutes.

11 **C. FEES IN ADDITION TO SECTION 34.041, FLORIDA STATUTES.**

12 A party initiating any civil action, suit or proceeding in the
13 county court of the Fifteenth Judicial Circuit Court of
14 Florida in and for Palm Beach County shall pay to the clerk of
15 said court the following service charges (hereinafter referred
16 to as "Court Facility Fee") which shall be in addition to any
17 other service charges, filing fee or costs provided for in
18 Section 34.041, Florida Statutes:

19	Claims of less than \$100.....	\$17.00
20	Claims of \$100 or more but	
21	not more than \$2500.....	40.00
22	Claims of more than \$2500.....	117.00
23	Landlord and Tenant actions....	37.00

24 In no event shall the total filing fee to be paid by the party
25 exceed the maximum allowed under Section 34.041, Florida Statutes.

26 **D. PURPOSES:**

27 1. Forty-five percent (45%) of the Court Facility Fees shall
28 be remitted to the Board of County Commissioners to be used
29 for providing and maintaining court facilities. Monies in
30 this account shall be expended only to pay for court-related
31 appropriations in the county budget authorized by the Board of
32 County Commissioners.

33 2. Five percent (5%) of the Court Facility Fees shall be
34 retained by the Clerk of the Circuit Court to pay costs
35 incurred by the Clerk in performing services and maintaining
36 the public records of the courts.

1 3. Fifty percent (50%) of the Court Facility Fees shall be
2 remitted to the Board of County Commissioners of Palm Beach
3 County on a monthly basis by the Clerk for deposit in the
4 appropriate account to be used for providing and maintaining
5 facilities for data processing.

6 **SECTION 2. ADDITIONAL FEES IN CIVIL ACTIONS IN THE CIRCUIT**
7 **COURT AND COUNTY COURT TO FUND MEDIATION AND ARBITRATION**
8 **PROGRAMS PURSUANT TO SECTION 44.108, FLORIDA STATUTES.**

9 **A. ASSESSMENT OF SERVICE CHARGES AND COLLECTION PROCEDURES.**

10 1. There is hereby levied an additional five (\$5.00) dollar
11 service charge in circuit civil court proceedings,
12 excluding juvenile and probate matters, for the purpose
13 of supporting mediation-arbitration programs. The Clerk
14 shall forward four (\$4.00) dollars of each service charge
15 derived from the imposition of the service charge into
16 the county's mediation-arbitration account fund. The
17 Clerk shall forward one (\$1.00) dollar of each service
18 charge collected to the State Court Administrator on a
19 monthly basis. At the end of each fiscal year, the
20 balance of funds in the mediation-arbitration fund shall
21 remain in the funds for the next fiscal year.

22 2. There is hereby levied an additional five (\$5.00) dollar
23 service charge on county civil proceedings, excluding
24 small claims proceedings (actions not exceeding \$2500.00
25 exclusive of costs, interest and attorneys' fees) for the
26 purpose of supporting county civil mediation-arbitration
27 programs. The Clerk shall forward four (\$4.00) dollars
28 of each service charge derived from the imposition of the
29 service charge in the county's mediation-arbitration
30 account fund. The Clerk shall forward one (\$1.00) dollar
31 of each service charge collected to the State Court
32 Administrator on a monthly basis. At the end of each
33 fiscal year, the balance of funds in the mediation-
34 arbitration fund shall remain in the funds for the next
35 fiscal year.

1 3. In dissolution of marriage proceedings where a subsequent
2 motion or petition for modification of final judgment is
3 filed after the final judgment is entered in said
4 dissolution of marriage, there is hereby levied a forty-
5 five (\$45.00) dollar service charge. The Clerk shall
6 deposit forty-four (\$44.00) dollars for each matter
7 collected hereto into the family mediation trust fund,
8 and shall forward one (\$1.00) dollar to the Office of the
9 State Courts Administrator on a monthly basis. At the
10 end of each fiscal year, the balance of funds in the
11 family mediation trust fund shall remain in the fund for
12 the next fiscal year.

13 SECTION 3. ADDITIONAL FEES FOR CIVIL ACTIONS IN THE CIRCUIT
14 COURT AND COUNTY COURT FOR THE BENEFIT OF THE LAW LIBRARY
15 FUND PURSUANT TO SECTION 3 OF CHAPTER 24775, LAWS OF FLORIDA.

16 **A. ASSESSMENT OF SERVICE CHARGES AND COLLECTION PROCEDURES:**

- 17 1. There is hereby levied an additional twelve dollars and
18 fifty cents (\$12.50) service charge in circuit civil
19 court proceedings and county civil proceedings where the
20 claim exceeds two thousand five hundred (\$2,500.00)
21 dollars for the purpose of assisting Palm Beach County in
22 funding the County Law Library, including the branches,
23 which are open to the public.
- 24 2. There is hereby levied an additional seven dollars and
25 fifty cents (\$7.50) service charge in county civil
26 proceedings where the claim does not exceed twenty-five
27 hundred (\$2,500.00) dollars for the purpose of assisting
28 Palm Beach County in funding the County Law Library,
29 including the branches, which are open to the public.

30 SECTION 4. ADDITIONAL FEES FOR CIVIL ACTIONS IN THE CIRCUIT
31 COURT AND COUNTY COURT FOR THE BENEFIT OF A LEGAL AID PROGRAM
32 PURSUANT TO SECTIONS 28.241(1) AND 34.041(1), FLORIDA
33 STATUTES.

1 **A. ASSESSMENT OF SERVICE CHARGES AND COLLECTION PROCEDURES.**

2 1. There is hereby levied an additional fifteen (\$15.00)
3 dollar service charge on Circuit Civil Court proceedings,
4 excluding juvenile cases, where the filing fee totals the
5 maximum amount authorized by Florida Statutes, for the
6 purpose of supporting a Legal Aid program. All funds
7 collected pursuant to this section shall be paid monthly
8 to the Treasurer of the Legal Aid Society of Palm Beach
9 County, Inc., to be administered in a fund to be known as
10 the Legal Aid Fund.

11 2. There is hereby levied the following charges for all
12 county civil cases for the purposes of supporting a Legal
13 Aid program:

- 14 a) For all claims less than \$100.00.....\$ 1.00
15 b) For all claims equal to or more than \$100.00
16 but less than \$2,500..... 3.00
17 c) For all claims equal to or more
18 than \$2,500.00 15.00
19 d) For all actions for removal of tenant.. 4.00

20 **B. USE OF FUNDS.** All funds collected pursuant to this
21 section shall be used exclusively for the purpose of funding
22 and maintaining a program that makes civil legal services
23 accessible to the indigent and needy general public in Palm
24 Beach County and for no other purpose. Expenditure of these
25 funds for this purpose is declared to be a proper and
26 necessary public and County purpose in and for Palm Beach
27 County.

28 **SECTION 5. REPEAL OF ORDINANCES IN CONFLICT**

29 The provisions of Ordinance Nos. 76-13; 80-7; 82-18; 83-20;
30 88-22; 89-20; 90-50; and 91-21 in conflict herewith are hereby
31 repealed as are all other ordinances of Palm Beach County in
32 conflict with any provision of this ordinance.

33 **SECTION 6. SEVERABILITY**

34 If any section, paragraph, sentence, clause, phrase, or word
35 of this ordinance is for any reason held by the court to be

1 unconstitutional, inoperative or void, such holding shall not
2 affect the remainder of this ordinance.

3 SECTION 7. INCLUSION IN THE CODE OF LAWS AND ORDINANCES

4 The provision of this ordinance shall become and be made a
5 part of the Code of Laws and Ordinances of Palm Beach County,
6 Florida. The sections of this ordinance may be renumbered or
7 relettered to accomplish such, and the word "ordinance" may be
8 changed to "section", "article", or any other appropriate word.

9 SECTION 8. EFFECTIVE DATE

10 The provisions of this ordinance shall become effective on
11 October 1, 1992.

12 APPROVED and ADOPTED by the Board of County Commissioners of
13 Palm Beach County, Florida, on the 25th day of August,
14 1992.

15 MILTON T. BAUER, CLERK
16 Board of County Commissioners

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

17 By *Harold Lee Berger*
18 DEPUTY CLERK

BY: *[Signature]*
Chair

19 APPROVED AS TO FORM AND
20 LEGAL SUFFICIENCY

21 By: *Daniel M. Dykch*
22 County Attorney

23 Acknowledgement by the Department of State of the State of
24 Florida, on this the 4th day of September,
25 1992.

26 Acknowledgement from the Department of State received on the
27 9th day of September, 1992, at 9:16 A.M.
28 and filed in the Office of the Clerk of the Board of County
29 Commissioners of Palm Beach County, Florida.

30 STATE OF FLORIDA COUNTY OF PALM BEACH
The ex-officio Clerk of the Board of County Commissioners
certify this to be a true and correct copy of the original filed in
my office on 8/25/92
DATED at West Palm Beach, FL on 9/15/92
Clerk, BCC
By: *[Signature]* D.C.
Deputy Clerk